

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

CARLOS J. LOAIZA

v.

CA No. 05-027-T

UNITED STATES OF AMERICA

ORDER REQUIRING FURTHER INFORMATION
AND DIRECTING PETITIONER TO SHOW CAUSE

Pursuant to 42 U.S.C. § 2255, Carlos Loaiza has filed a motion to correct or vacate his sentence on the ground that his counsel allegedly was ineffective in failing to file an appeal in accordance with Loaiza's instructions.

In order to determine whether an evidentiary hearing is required and/or whether Loaiza's petition should be dismissed, it is hereby ORDERED that, on or before October 15, 2006, Loaiza file a sworn statement setting forth the following facts:

1. Exactly what Loaiza claims to have told his counsel regarding the possibility of a direct appeal; exactly what counsel's response(s) was; and, exactly when such conversations occurred.
2. When and how Loaiza first learned that no direct appeal had been filed on his behalf.

Loaiza shall serve copies of his response upon:

Mary E. Rogers, AUSA
U.S. Attorney's Office
50 Kennedy Plaza, 8th Floor
Providence, RI 02903

Joseph J. Voccola, Esq. &
Associates
454 Broadway
Providence, RI 02909

By Order,


Deputy Clerk

ENTER:


Ernest C. Torres
Chief Judge

Date: August 24, 2006